

Exhibit 7

THE
COLONIAL LAWS
OF
NEW YORK
FROM THE
YEAR 1664 TO THE REVOLUTION,
INCLUDING THE

CHARTERS TO THE DUKE OF YORK, THE COMMISSIONS AND INSTRUCTIONS TO COLONIAL GOVERNORS, THE DUKE'S LAWS, THE LAWS OF THE DONGAN AND LEISLER ASSEMBLIES, THE CHARTERS OF ALBANY AND NEW YORK AND THE ACTS OF THE COLONIAL LEGISLATURES FROM 1691 TO 1775 INCLUSIVE.

VOLUME I.

TRANSMITTED TO THE LEGISLATURE BY THE COMMISSIONERS OF STATUTORY REVISION, PURSUANT TO CHAPTER 125 OF THE LAWS OF 1891.

ALBANY:
JAMES B. LYON, STATE PRINTER.
1894.

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theire Voyage or Journey, And also all Strangers, Lodgers or other Persons may freely Continue in such Houses, when theire Lawfull Occations and business doth require, Provided there be no disorder amongst them.

Every Person so Licenced for the Entertainment of strangers with their Horses, shall provide one or more Enclosure for Summer Hay and Provender for winter with convenient stable roome, And attendance; upon Penalty of two Shillings Sixpence for every days default, and double Damage to the party thereby wronged.

No Licenced Person shall unreasonably exact upon his Guest for any sort of entertainment, and no man shall be compelled to pay above eight pence a Meale, with small Beer only unless the Guest shall make other agreement with the person so lycenced.

No Licence shall be granted by any two Justices in Sessions for above the terme of one year, but every person so Licenced before the expiration of the said Terme shall and are hereby enjoyned to repair to the sessions of that Jurisdiction for renewing their Several Licenses for which they shall pay to the Clarke of the Sessions two Shillings Six pence, or else they shall forfeit five pounds as unlicenced persons.

All Offences committed against this law, shall be determined by the Constable with two or more of the Overseers, who are impowered to Collect and receive the Severall fines or distrayne in Case of non-payment rendring accompt thereof as is else where required.

INDIANS.

No Purchase of lands from Indians After the first day of March, 1664, shall be Esteemed a good Title without leave first had and obtained from the Gouvernour and after leave so obtained, The Purchasers shall bring the Sachem and right owner of such Lands before the Gouvernoure to acknowledge satisfaction and payment for the said Lands whereupon they shall have a grant from the Gouvernoure And the Purchase so made and prosecuted is to be entered upon record in the Office & from that time to be valid to all intents and purposes.

All injuries done to the Indians of what nature whatsoever shall upon their Complaint and prooфе thereof in any Court have speedy redress gratis, against any Christian in as full and Ample manner, (with reasonable allowance for damage), as if the Case had been betwixt Christian & Christian.

No person shall sell, give or Barter directly or indirectly any Gun or Guns, Powder, Bullet, shott, Lead nor any Vessel of Burthen, or Row Boate Canooes only excepted Without Licence first had and obtained under the Gouvernours hand and Seal, to

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any Indian whatsoever, nor to any person Inhabiting out of this Goverment, nor shall amend or repair any Gun belonging to any Indian, nor shall Sell any armour or weapons, upon penalty of ten pounds for every Gun, Armour, weapon, Vessell, or Boat, so Sould given or Bartered, five pounds for every pound of powder, and forty Shillings for every pound of Shott or Lead and proportionably for any greater or lesser quantity.

No Person Shall from and after the first day of September 1665 Directly or Indirectly Trade with the Indians for any sort of furrs without Licence first had from the Governoure which Licence is to be renewed every year at the Governours pleasure, or remained if he shall find just Exception.

No Person whatsoever from henceforth shall Sell, Truck, Barter, give or deliver any Strong Liquores to any Indian directly or indirectly, whatsoever known by the name of Rum, Strong waters, Wine Brandy Spirrits or any other Strong Liquore under any other Name whatsoever; Under the Penalty of forty Shillings for one pint and Soo proportionately for greater or lesser quantities so Sould, Bartered, given or delivered as aforesaid, One third part of this penalty to be to the informer, Provided always that it is and shall be Lawfull by way of relieve and Charity to any Indian in Case of sudden extremity sickness faintness or weariness to sell or give to such Indian or Indians the quantity of two drames and no more of any such Strong Liquors as are aforementioned Provided also that the Governoure by Licence may Authorize any person or persons to sell any or all Such Strong Liquores to Indians upon Security taken from the person Licence for his or theire good behaviour.

In all Places within this Goverment the English and all others shall keep their Cattle from destroying the Indians Corne in any ground where they have right to plant and if any of theire Corne be destroyed for want of fencing the Towne shall make Satisfaction, and shall have power amongst themselves to lay the Charge where the Occation of the Damage did arise.

Provided that the Indians shall make prooфе the Cattle of such a Towne farme or Person did the Damage And for the Indians Encouragement towards the fencing in theire Corn fields, such Townes farmers or Persons where Cattle may annoy them that way shall Direct, Assist and help them in felling of trees riving and Sharpening Rayles and hoing of Poasts; allowing one English man to three or more Indians and shall also draw the fencing into place for them, and allow one man a day or two towards the setting up of the same, And either sell or lend them Tooles to finish it Provided that such Indians shall

fence their Cornefields or Ground att their own Charge, And if any Indians shall refuse to fence their Corne Grounds (being tendred help as aforesaid,) in the presents and hearing of Sufficient witnesses They shall keep of all Cattle or loose their Damage.

And if any harme be done at any time by the Indians unto the English in theire Cattle, The Gouvernour or Deputy Gouvernour with two of the Councell, or any Court of Sessions or Assises may order Satisfaction according to Law and Justice.

No Indian whatsoever shall at any time be Suffered to Powaw or performe outward worship to the Devil in any Towne within this Goverment.

JURORS AND JURYES.

That the Clarke of the Sessions sh all in Convenient time before the Sitting of the Court give a Certificate to the Sheriffe or under Sheriff of what and how many Causes are entered for their hearing the next Sessions to the end the Sheriff or under Sheriff may (and are hereby required) Immediately to Issue forth warrants to the Constable of the Severall Townes of the Jurisdiction of the Court or Jurymen proportionable to the Causes with regard to the equality of the number from each Town and according to the warrant The Constable shall warn so many of the Overseers to attend as Jurymen and return their names to the under Sheriff, And if such Number of Jury men so required, prove not Sufficient for Carrying on the business with dispatch to the Sessions The Justices may require the Sheriffe or under Sheriffe, to Supply their number with so many able and discreet men as shall either attend the Court upon other occasions, or shall happen to be Inhabitants of the Towne where the Court shall be held.

All Juryes so Chosen shall be Empanelled and Sworn truly to try between party and party and shall find the matter of fact, with the Damages and Costs according to the Evidence; where upon the Justices in the absence of other Superior Officers, shall pronounce the sentence directing the Jury in point of Law, and if there bee matter of apparent equity upon the forfeiture of an Obligation, breach of Covenant without damage or the like, the Bench shall determine such matters of equity.

Every Juryman shall be allowed three Shillings Six pence per Diem for the Charges of their Attendance out of the fees and profits arising in each Court where they do Service, or by the Country if those fall Short.

No Jury shall exceed the number of Seaven nor be under Six unless in Special Causes upon Life and Death, The Justices shall thinke fitt to Appoint twelve.

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In all Cases wherein the Law is obscure, so as the Jury cannot be Satisfied therein. They have Liberty to present a special verdict (viz) If the Law be so in such a point, We find for the Plaintiff but if the Law be otherwise, We find for the Defendant, In which Case the determination doth properly belong to the Court, And all Juries shall have liberty in matter of fact, if they cannot finde the maine Issue, yet to find and present in their verdict so much as they Can.

Whensoever any Jury or Jurores are not Clear in their Judgements concerning any Case, they shall have liberty to open Court (but not otherwise) to advice with any particular man upon the Bench, or any other whom they shall think fitt, to Resolve and direct them before they give in their verdict.

The Verdict shall bee given in by ye foreman of ye Jury.

A Verdict shall be so esteemed, when the Major part of the Jury is agreed, and the Minor shall be concluded by the Major without allowance of any protest by any of them to the Contrary; Except in Case of Life and Death where the whole Jury is to be unanimous in their Verdict.

The Bench is briefly to sume up the Evidence by way of Information to the jury.

To be Father, Brother, Uncle, Nephew or Cousen German to the party or Parties Concerned, shall be a Lawful Exemption against a Jurore before he be Sworn & not after.

Any one that shall presume to reveale the dissenting votes of a Jury or Arbitration, shall forfeit ten Shillings for the first offences and for farther breach of this Law The next Court of Sessions, or Assizes shall impose a greater fine on the Offender according to the Meritts of the Cause.

JUSTICE OF PEACE.

The Justices of the Peace or Sheriffe or either of them shall have Power to Issue out writts or warrants according to the nature of the Plaintiff.

The Warrants of any Justice of the Peace, shall be of force and is to be Executed by any inferiour Officer in any of the Ridings, as fully and Effectually, as if the Justice were an Inhabitant within that Riding, Provided always that the Plaintiff, or Cause of Plaintiff do arise within the Riding where the Justice doth dwell. The like rule is to be observed in Hue and Cryes.

The eldest Justice of Peace in the absence of the Governor Deputy Governoure or Some one of the Councell shall pronounce the Decrees or Sentence of the Court, Except in Case of Natural

Imperfections, or agreement amongst the Justices themselves, it be otherwise determined to any other Person of them, In neither of which Cases the Justice shall Refuse to do his Office, or Enter his desent to the prejudice of the Court.

Any Justice of the Peace, may if he please, or see cause for it Preside as Cheife in any of the Towne Meetings within the Jurisdiction where he dwells.

LANDS.

All Lands and heritages within this Goverment shall be free from all fines and Licences, upon Alienation and from all Heriotts, Wardships Liveryes Primier Seizins year day and wast, Escheats, and forfeitures upon the Death of Parents or 'Auncestors Natural, unnatural, Casuall, or judiciale, and that for ever (Cases of high treason only Excepted.)

To the end all former Purchasers may be ascertained to the present possessor or right owner They shall bring in their former Grants, and take out new pattents for the same from the present Gouvernoure in the behalfe of his Royall Highness the Duke of Yorke.

All Purchaseres of implanted Lands shall of their Cost and Charge, Cause a Survey and Draught thereof to be made within one yeare after such Purchases and deliver the Same into the Office of Records, whereby the bounds and Limits thereof may bee justly distinguished, and if the purchasors shall not within three years after the Survey plant Seat or Inhabit upon the said purchasse they shall forfeit their Right, Title, and Interest therein.

Every Purchasor in acknowledgment of the propriety of such Lands belonging to his Royal Highness James Duke of Yorke, shall upon Sealing of the Pattent Pay unto the Gouvernoure So much as they shall agree upon; Not exceeding for every hundred Acres.

And upon the Seating of a Towne two Towne Lotts shall be reserved by the Purchaser to the use of the Gouvernoure (Gratis) to dispose of to such as he shall thinke fitt.

LAWES.

In regard it is almost impossible to provide Sufficient Lawes in all Cases, or proper Punishments for all Crimes the Court of Sessions shall not take further Cognizance of any Case or Crimes, whereof there is not provision made in some Lawes but to remit the Case or Crime, with the Due Examination and proof to the Next Court of Assizes where matters of Equity

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shall be decided, or Punishment awarded according to the discretion of the Bench and not Contrary to the known Lawes of England.

LYING AND FALSE NEWES.

Every Person of age of discretion which shall be reputed of fourteen years or upwards, who shall wittingly and willingly forge or Publish false newes whereof no Certain Auther nor Authentique letter out of any part of Europe can be produced, whereby the minds of People are frequently disquieted or exasperated in relation to publique Affairs, or particular Persons injured in their good names and Credits by such Common deceites and abuses Upon due prove made by Sufficient witnesses before the Governour or any Court of Sessions the Person so offending in ordinary Cases shall for the first offence be fined ten shillings, for the second offence twenty shillings and for the third offence forty Shillings and if the party be unable to pay the same he shall be Sett in the Stocks so longe, or publiquely whipt with so many stripes as the Governor or any Court of Sessions shall think fitt not exceeding forty stripes; or four houres Sitting in the Stocks, and for the fourth offence he shall be bound to his good behaviour, paying Cost or Service to the Informer and witnesses, such as shall be judged reasonable sattisfaction, But in Cases of high nature and publique Concernes, the fine or punishment, shall be increast according to the discretion of the Governor and Council onely.

MARRIAGES.

Whereas by the Law of England no Marriage is Lawfully Consummated without a Minister whose office it is to join the parties in Matrimony after the Banes thrice published in the Church or a Lycence first had and obtained from some person thereunto Authorized, All which formality cannot be duly practiced in these parts.

Yet to the end that a decent rule therein may be preserved It is Ordained that from henceforth the names and surnames of each Party who sue for Marriage, shall be Publiquely read in their Parish Church or place of usuall Meeting, where they both then Inhabit three several Lords days successively.

And where no Church or Meeting place shall happen to bee, a publication in writing shall be first fourteen Days before Marriage upon three doors of each parish whereof the partyes Inhabit (vizt) one on the Constables the other two upon any two Doors of the Overseers of the Parrish Unless they produce a Lycence from the Governour in both which Cases, and not